



July 27, 1999

Ms. Tracy B. Calabrese
Senior Assistant City Attorney
Legal Department
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR99-2106

Dear Ms. Calabrese:

You have asked whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 127921.

The City of Houston (the "city") received a request for information pertaining to a named individual and also information pertaining to a particular address. In Open Records Letter No. 99-1895 (1999), this office determined that information labeled as Exhibit 2 was confidential under section 552.101 of the Government Code in order to protect the common-law privacy of a named individual. You now inform us that the requestor represents this named individual and has a release signed by the named individual, so that the information is not confidential as to this requestor on the basis of protecting the named individual's common-law privacy interests.¹ Because Exhibit 2 is thus not protected from disclosure to this requestor under section 552.101, you ask if the city may withhold Exhibit 2 under section 552.108(a)(1) of the Government Code.²

¹Government Code section 552.023(b) provides that a governmental body "may not deny access to information to the person, or the person's representative, to whom the information relates on the grounds that the information is considered confidential by privacy principles."

²We note that the city timely raised section 552.108 at the time of the original request for records. Gov't Code § 552.301.

You inform us that Exhibit 2 concerns a criminal case that is still under active investigation. Thus, based upon the reasoning outlined in Open Records Letter No. 99-1895 (1999) (enclosed), we agree that Exhibit 2 is protected from disclosure under section 552.108(a)(1), except for the front page offense report information. The front page offense information is public under section 552.108(c) and must be released.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', written in a cursive style.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 127921

Encl. Submitted documents, Open Records Letter No. 99-1895 (1999)

cc: Mr. Charles McFarland
Vinson & Elkins
2300 First City Tower
1001 Fannin Street
Houston, Texas 77002-6760
(w/o enclosures, w/Open Records Letter No. 99-1895 (1999))